IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE EIGHTEENTH DAY OF DECEMBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.243 OF 2004

Between:

Mohd.Sandani

.... PETITIONER

AND

The Deputy Commissioner of Police,
South Zone, Purani Haveli,
Hyderabad, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.243 OF 2004

O R D E R

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This petition is filed questioning the action of the respondents in continuing the rowdy sheet against the petitioner.

2. The case of the petitioner in brief is that he is doing small business in garments and was falsely implicated as an accused in C.C.No.9 of 1999 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, arising out of Crime No.61 of 1990 of Shah Ali Banda Police Station, registered under Sections 148, 427 and 307 read with 149 IPC, and was also shown as accused No.30 in S.C.No.11 of 1999 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, arising out of Crime No.9 of 1991 of Shah Ali Banda Police Station, registered under Sections 148, 427 and 436 IPC, and was also shown as accused No.26 in S.C.No.15 of 1999 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, arising out of Crime No.62 of 1990 of Shah Ali Banda Police Station, registered under Sections 148, 436 read with 149 IPC, and was also shown as accused No.26 in S.C.No.16 of 1999 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, arising out of Crime No.56 of 1990 of Shah Ali Banda Police Station, registered under Sections 148, 427, 307 read with 149 IPC, and was also shown

as accused No.26 in S.C.No.19 of 1999 on the file of IV Additional Metropolitan Sessions Judge, Hyderabad, arising out of Crime No.51 of 1990 of Shah Ali Banda Police Station, registered under Sections 148, 427, 436 read with 149 IPC. All the above cases were registered in respect of series of transactions that occurred on 08.12.1990 at 8.00 p.m. termed as communal riots and in all those cases he was acquitted after trial on 30.10.2000. But even then the rowdy sheet opened against him in the year 1990 is not closed and is being continuing inspite of his being acquitted in all the cases registered against him. With a view to continue the rowdy sheet against him, the third respondent registered a case in Crime No.68 of 2003 under Section 110-E of Cr.P.C. and produced him before the Special Executive Magistrate, Hyderabad. Since no other cases are registered against him, except the said case in crime No.68 of 2003 subsequent to 2003, continuance of the rowdy sheet against him is improper.

3. The Station House Officer, Shah Ali Banda Police Station, filed his counter-affidavit on behalf of the respondents, *inter alia* contending that a rowdy sheet as per the orders of the then Assistant Commissioner of Police, Chatrinaka Division, Hyderabad was opened against the petitioner in December, 1990 in view of his involvement in several criminal cases registered under various enactments including TADA Act, and as the petitioner has been continuing his rowdy and communal activities, causing breach of peace in the area, and is designing to commit cognizable offences and as cases in Crime No.29 of 1992, 99 of 992 and 57 of 1993 were registered against him under Section 151 Cr.P.C. and was released on his executing a personal bonds and was bound over in Crime No.68 of 2003 registered under Section 110 Cr.P.C. for keeping good behaviour for one year on his executing a bond of Rs.1,000/-, vide proceedings in M.C.No.230 of 2003 and 231 of 2003, dated 22.09.2003 and as he was also involved in a petty case in Crime No.56 of 1992 registered under Section 70(B)

of City Police Act, dated 28.01.1992 of P.S. Shah Ali Banda, and as he was fined Rs.10/- by the Special XXI Metropolitan Magistrate, Hyderabad in petty case No.114 of 1992, dated 31.01.1999 and is also involved in a counterfeit currency case vide Crime No.328 of 2002 registered under Sections 489 (A), (B), (C), 420 read with 120(B), 34 IPC and Section 12(1) of Indian Passport Act by Afzalgunj Police Station, which was later transferred to CBCID, wherein a charge-sheet was filed before the IX Metropolitan Magistrate, Hyderabad, on 29.12.2003, and was indulging in communal activities and instigating the people whenever there is an opportunity, and as no person in the area is prepared to come openly and complain against his activities due to fear, the competent authority took a decision to continue the rowdy sheet against the petitioner upto 31.12.2004.

4. Subsequently, the Inspector of Police, Shah Ali Banda Police Station, Hyderabad, filed his additional counter-affidavit on 10.10.2007 *inter alia* stating that the petitioner, at the time of opening of rowdy sheet, was involved in 14 criminal cases and though all those cases ended in acquittal in order to curb and curtail his unlawful activities, the rowdy sheet was being continued and is extended till 31.12.2007 because of his involvement in Crime No.321 of 2004 of Abids Police Station, registered under Sections 452, 384, 506 IPC and Section 25(1) of Arms Act, which is pending trial in C.C.No.386 of 2005 and also in Crime No.126 of 2007 of lHumayunnagar Police Station registered under Sections 25(1)(B)(b) of Arms Act, in which charge sheet was already filed and is yet be registered by the learned Magistrate.

5. After hearing the counsel for the petitioner and the learned Assistant Government Pleader, I am of the considered opinion that the action of the respondents in continuing the rowdy sheet against the petitioner cannot be said to be improper in view of his involvement in

several criminal cases. Since the rowdy sheet opened against the petitioner is continued till 31.12.2007, I am disposing of this petition with a direction to the respondents to review the case of the petitioner judiciously and take a decision whether to continue the rowdy sheet against him or not for the year 2008. No order as to costs.

JUSTICE C.Y.SOMAYAJULU

18th DECEMBER, 2007

PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.243 OF 2004

18th DECEMBER, 2007